

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)	
)	
CENTURY PLAZA LLC,)	CASE NO. 11-24075 JPK
)	Chapter 11
Debtor.)	

ORDER STRIKING NOTICE

On July 11, 2012, Laura Hendy and Robert Hendy, by counsel, filed a motion for relief from the automatic stay, which was accompanied by a Notice of the motion in the form of a “drop dead” notice, stating a specific response/objection date, in the absence of compliance with which the court could enter an order granting the motion without further notice or hearing. While the court allows the use of a “drop dead” notice with respect to motions for relief from the automatic stay in cases under Chapter 7 [N.D.Ind.L.B.R. B-2002-2(a)(4)], there is no authorization – either in the Bankruptcy Code, in the Federal Rules of Bankruptcy Procedure, or in the Rules of the United States Bankruptcy Court for the Northern District of Indiana – for the use of a “drop dead” notice with respect to the motion for relief from the automatic stay in a case under Chapter 11, Chapter 12 or Chapter 13.¹ The Notice which accompanied the above-designated motion for relief from the automatic stay is therefore void. The motion will be set for a preliminary hearing by separate order.

The person/entity filing the above-designated motion is requested/advised to adjust office procedures to make certain that a “drop dead” notice is not utilized in future matters involving motions for relief from the automatic stay in cases under Chapter 11, Chapter 12 or Chapter 13.

IT IS ORDERED that the foregoing Notice, and the “drop dead” procedure sought to be

¹ Subject to the very limited, and very specifically designated circumstances provided for by N.D.Ind.L.B.R. B-4001-1.

employed thereby, is void for all purposes in this case.

Dated at Hammond, Indiana on July 26, 2012.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee
Attorney for Creditor